

David Anthony Runyon,)	
Petitioner,)	
)	Original Criminal No. 4:08-cr-16-3
)	Original Civil No. 4:15-cv-108
v.)	Capital § 2255 PROCEEDINGS
)	
United States of America,)	HON. REBECCA BEACH SMITH
Respondent.)	
)	
)	

1. I was appointed by the United States District Court for the Eastern District of Virginia to represent David Anthony Runyon in the above matter on November 19, 2021. ECF No. 649.
2. Pursuant to this Court's Order, ECF No. 796, I hereby confirm that arrangements have been made with the Federal Defender Services for Eastern Tennessee ("FDSET") for me to receive the case files in Mr. Runyon's case. This transfer is a high priority for all parties involved, and we have conferred several times and have begun to work on the arrangements.
3. I have met and had follow-up conversations with Gianna Maio and Stephen Ferrell of FDSET, and reviewed the February 24, 2023, Declaration of Gianna Maio, ECF No.

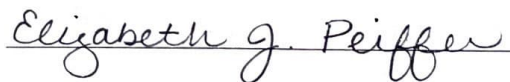
795-1. Ms. Maio's Declaration accurately represents the substance of our conversations and agreements thus far.

4. A summary of the agreed-upon transfer arrangements is as follows. These arrangements are intended to maximize judicial economy, and to ensure that I receive the complete file, both electronic and paper components, in an accessible format in Mr. Runyon's case. The first step is that FDSET will scan files from the paper files in their possession that a small number of FDSET staff not previously involved in Mr. Runyon's case deem relevant to the penalty phase of Mr. Runyon's capital trial. An electronic version of these scanned files will be saved to an electronic external hard drive. After this scanning is complete, all of the boxes of paper files (including both penalty phase paper files that were scanned and others, totaling more than forty-five boxes) will be delivered to my custody at a designated location. Digital files located on FDSET's shared/corporate "H drive," as well as files stored by FDSET under software platforms "Summation"¹ and "Eclipse," also will be organized and saved on an electronic external hard drive, which will be delivered to my custody.
5. I recognize the ongoing duties regarding transfer of the documents and the continuing duty of disclosure. The proposed arrangement allows FDSET, with its greater resources and manpower, to make the first review of identifying most relevant files. However, to limit my review to these records means I would be dependent on the review by FDSET staff who previously have not been involved

¹ Summation is a platform for which the Capital Representation Resource Center has neither the software nor computer hardware to access. FDSET has represented that the National Litigation Support Team is working with them to develop a plan for providing files from Summation and Eclipse in a digital form that would be accessible to appointed counsel.

in the case to establish definitively the universe of files reviewed for all subsequent review and disclosures. As Mr. Runyon's remaining counsel, I will plan to begin the next phase of my own review with the files identified as relevant to the penalty phase by previously uninvolved FDSET staff. This should increase the efficiency of the review process and identification of relevant information. I will then perform my own review—including conducting page-by-page review when necessary—of the full universe of the more than forty-five boxes of paper documents (or their scanned equivalents) and additional electronic files. I can then determine what is relevant to the claim currently before this Court, and ensure that appropriate disclosures are made, fulfilling my duties to Mr. Runyon and to the Court.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and recollection.



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